T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			01-Aug-08	APPL. S. N:	10658352				
To Exam	iner:		TRAN, PHUC	Art Unit	2616				
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68				
SUBJEC [*]	r: Decisio	n on Terminal	Disclaimer(T.D.) filed:	,					
form par or have a	agraphs io any questi	dentified by the ions, please se	is informal memo in your nex e me or the Special Program	results as set forth below. If you a ct Office action to notify applicant o Examiner. THIS IS AN INFORMAL, DF RECORD IN THE APPLICATION F	f the T.D. If you disagree INTERNAL MEMO ONLY.				
please in	itial, date	and return thi	s memo to me. THANK YOU.	•					
V	The T.D.	is PROPER and	d has been recorded (see 14.	23).					
	The T.D.	T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):							
		The TD fee of use of a depor		itted nor is there any authorization	in the application file for the				
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
	Г	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP.1490) (see 14.26 & 14.26.02).							
		The person who signed the T.D.:							
		is no	ot an attorney "of record" (se	e 14.29 and 14.29.01).					
		has	failed to state his/her capacit	ty to sign for the business entity (se	ee 14.28).				
		is no	ot recognized as an officer of	the assignee (see 14.29 & possible	14.29.02).				
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
	Γ.,	The T.D. is not signed (see 14.26 & 14.26.03).							
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
		The period dis	sclaimed is incorrect or not sp	pecified (see 14.26, 14.27.02 or 14	.26.03).				
	Γ.	Other:			<u> </u>				
٠	Γ		request refund (see 14.36). eck this item.	NOTE: If already authorized, credit	t refund to deposit account				
I have ap	opropriate	ly notified app	licant(s) of the status of the	Terminal Disclaimer filed in this cas	se.				
Ev Initial	. .	Date	`		Log Date:				

Application Number			pplicant(s)/Patent under leexamination SMITH ET AL.					
Document Code - DISQ	Internal Doc		cument – DO NOT MAIL					
TERMINAL DISCLAIMER	☑ APPROVED		□ 'DISAPPROVED					
Date Filed : June 17, 2008	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson								
		•						

U.S. Patent and Trademark Office

PTO/SB/25 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING | Docket Number (Optional)

REJECTION OVER A PENDING "REFERENCE" APPLICATION								
in re Application of: Smith et al.								
Application No.: 10/658,352								
Filed: September 9, 2003								
For: Data Adaptation Protocol								
The owner, Sonus Networks, Inc. of 100 percent interest in the instant application hereby disclaims, the except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/658,053 filed and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.								
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.								
Check either box 1 or 2 below, if appropriate.								
For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.								
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.								
2. The undersigned is an attorney or agent of record. Reg. No								
Signature Signature Charles J. Gray (Vice President and General Counsel of Sonus Networks,	June 17, 2008							
Typed or printed name								
$\frac{q78-6}{4}$	614-8505 lephone Number							
Terminal disclaimer fee under 37 CFR 1.20(d) is included.								
WARNING: information on this form may become public. Credit card information should be included on this form. Provide credit card information and authorization on PTO-20	d not 038.							
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324. This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public value.								

Tris collection of information is required by 37 CFR 1.321. The Information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.